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Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

APHIS 41-35-035

# Horse Protection Enforcement

## Fiscal Year 1996

Report of the Secretary of Agriculture to the  
President of the Senate and the Speaker of  
the House of Representatives



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## History of the Horse Protection Act

The Horse Protection Act (HPA) was passed in 1970 (PL 91–540) and amended in 1976 (PL 94–360). Congress declared that the process of soring horses either by chemical or mechanical practices, or combinations thereof, is cruel and inhumane. "Soring" is defined as the application of any chemical or mechanical agent used on any limb of a horse or any practice inflicted upon the horse that can be expected to cause it physical pain or distress when moving. The soring of horses is aimed at producing an exaggerated gait similar to that obtained by conventional training methods but over a shorter period of time. This practice relates primarily to Tennessee walking horses and related breeds. People who exhibit sored horses sustain an unfair performance advantage over the people who exhibit nonsored horses.

The HPA prohibits the showing, sale, auction, exhibition, or transport of sored horses. No one, including trainers, riders, owners, or representative agents, can legally enter a horse that has been sored into a show or competitive event. Management of shows, sales, auctions, and exhibitions has statutory responsibility under the Act to prevent unfair competition and must identify sored horses to prevent their exhibition, sale, or use.

## Administration of the HPA

The HPA is administered by the U.S. Department of Agriculture (USDA) through the Animal and Plant Health Inspection Service (APHIS). A 1976 amendment to the Act led to the establishment of the Designated Qualified Person (DQP) program, which provides industry-trained inspectors who help APHIS enforce this law. A DQP is a person meeting the requirements set forth in Title 9, Section 11.7, of the Code of Federal Regulations (CFR). Individuals who have been licensed under this regulatory section as a DQP are usually farriers, trainers, or individuals with significant knowledge of horses and the equine industry. Additionally, Section 11.7 allows Doctors of Veterinary Medicine who are members of the American Association of Equine Practitioners, large-animal practitioners with substantial equine experience, and knowledgeable in the area of equine medicine to become licensed as DQP's.

The DQP program provides one of the primary mechanisms for detecting sored horses. Horse Industry Organizations (HIO's) maintaining certified DQP programs participate with APHIS in yearly DQP training seminars, refresher clinics, educational forums, and program operations. Regulatory policy, procedure, and methods of inspection are reviewed throughout the year with representatives of the horse industry to enforce and strengthen training programs. APHIS veterinarians provide regulatory instruction and guidance incorporating classroom as well as "hands-on" instruction with horses at training sessions. APHIS builds upon these training programs and strengthens its working relationship with the equine industry through regularly scheduled horse-protection training classes attended by certified HIO's and industry representatives.

Compliance inspections are conducted in accordance with inspection guidelines, provisions of the HPA, and relevant sections of the CFR. HIO's regulate internal activities in accordance with the Horse Protection regulations and through their established rulebook standards and regulations. An HIO penalty system, approved by USDA, acts as a deterrent against soring practices in the industry.

Licensed DQP's receive inspection assignments to various shows and sales through their USDA-certified organization. Affiliation by show or sale management with a certified HIO permits show management to fulfill its inspection responsibilities. When managers of a show, sale, auction, or exhibition do not affiliate with a certified HIO to secure

## New Administrative Initiatives

inspections by a licensed DQP, they are held accountable, along with the offending individual, for any violations of the HPA. Therefore, while the use of DQP's by show management is not mandatory, managers of most shows or sales utilize DQP's to limit their liability under the HPA if a sored horse is shown or sold. APHIS strives to ensure that the certified HIO's effectively identify soring in horses, impose proper penalties, and assist the agency with the elimination of soring.

During fiscal year (FY) 1996, 6 USDA-certified HIO's provided the industry with 117 licensed DQP's. Participating organizations and the number of DQP's supplied included

National Horse Show Commission (64),  
Heart of America Walking Horse Association (23),  
Western International Walking Horse Association (9),  
Missouri Fox Trotters Horse Breeding Association (6),  
Spotted Saddle Horse Breeders and Exhibitors  
Association (6), and  
International Plantation Walking Horse Association (9).

To ensure consistency and thoroughness, certified HIO's can honor each other's suspensions, share penalty information, and cooperate on compliance issues. APHIS provides HIO's with changes in agency policy to promote uniformity of methods and procedures. APHIS monitors compliance by reviewing all management, HIO, and DQP reports that are filed with the agency as required under the regulations. Similarly, APHIS veterinarians evaluate DQP inspection procedures at selected shows and sales.

In addition to HIO penalties assessed against violators of the HPA, APHIS may also bring administrative or criminal complaints against violators. Administrative complaints may result in civil penalties of not more than \$2,000 for each violation and an order disqualifying the violator from showing or exhibiting horses or otherwise participating in any horse event except as a spectator. Periods of disqualification are determined on a case-by-case basis and generally range in length from 1 to 5 years; however, violators are given the opportunity to enter into a consent agreement in order to reduce the burden of litigation and provide for prompt resolution. Criminal penalties of up to \$3,000 and 1 year in prison can be assessed against individuals who knowingly violate the Act. Each additional violation may result in fines of up to \$5,000 and imprisonment for up to 2 years.

In FY 1996, APHIS took several steps to improve the efficiency and effectiveness of HPA program in both the near term and the long term. To improve the program immediately, APHIS delegated to certified HIO's greater responsibility for conducting horse show inspections and other related enforcement activities. Among other things, these actions provided HIO's with more authority in developing inspection protocols, penalty systems, and codes of conduct for their organizations.

APHIS also initiated a strategic planning process that will ultimately establish the focus and structure of the HPA program in the future. To this end, the agency prepared a draft strategic plan. In July 1996, APHIS held three public meetings to obtain input from the public on the proposed plan. Based on the written and oral remarks received on the document, APHIS revised the strategic plan to develop a stronger partnership between USDA and certified HIO's. The current version of the plan would require certified HIO's to adopt APHIS' standards for enforcement and penalty citations under a revised HPA regulatory and policy format. The plan is currently undergoing Departmental review, after which APHIS will make it available to the horse industry and other interested parties.

## APHIS Evaluation of the DQP Program in FY 1996

APHIS inspectors randomly attend horse shows and sales that are affiliated or unaffiliated with certified HIO's. The number of shows attended by APHIS fluctuates from season to season as a result of show logistics and agency workload. For instance, in FY 1996, the agency's strategic planning efforts redirected resources that could have otherwise been used for operational activities.

During the FY 1996 horse show season, 6 certified HIO's monitored 590 shows, sales, auctions, and exhibitions. Of the 96,148 horses examined by DQP's at those shows, 1,242 were turned down because of noncompliance with the HPA (average turndown rate, 1.29 percent). DQP's were evaluated by APHIS personnel who attended 19 shows and sales, where 13,221 horses were presented for inspection. The number of horses turned down in the presence of APHIS inspectors was 341 (average turndown rate, 2.58 percent). APHIS personnel issued seven Federal violations in FY 1996; in four of these cases, horses were documented as sore. The other two cases involved exhibitor infractions. At the 571 shows or sales where HIO's inspected horses in the absence of USDA participation, the average turndown rate was 1.09 percent. At the three shows where APHIS inspected horses in the absence of HIO inspectors (i.e., unaffiliated shows), the average turndown rate was 1.41 percent. Table 1 provides a detailed breakdown and review of horse industry performance and the results obtained at these affiliated events as well as the results of APHIS inspectors at unaffiliated shows during FY 1996.

Figure 1 illustrates the 3-year trend of the HPA regarding the number of (1) alleged violations, (2) shows or sales inspected by DQP's and/or APHIS veterinarians, and (3) horses inspected.

Figure 1  
Monitoring Horse Protection  
Three-Year Annual Summary

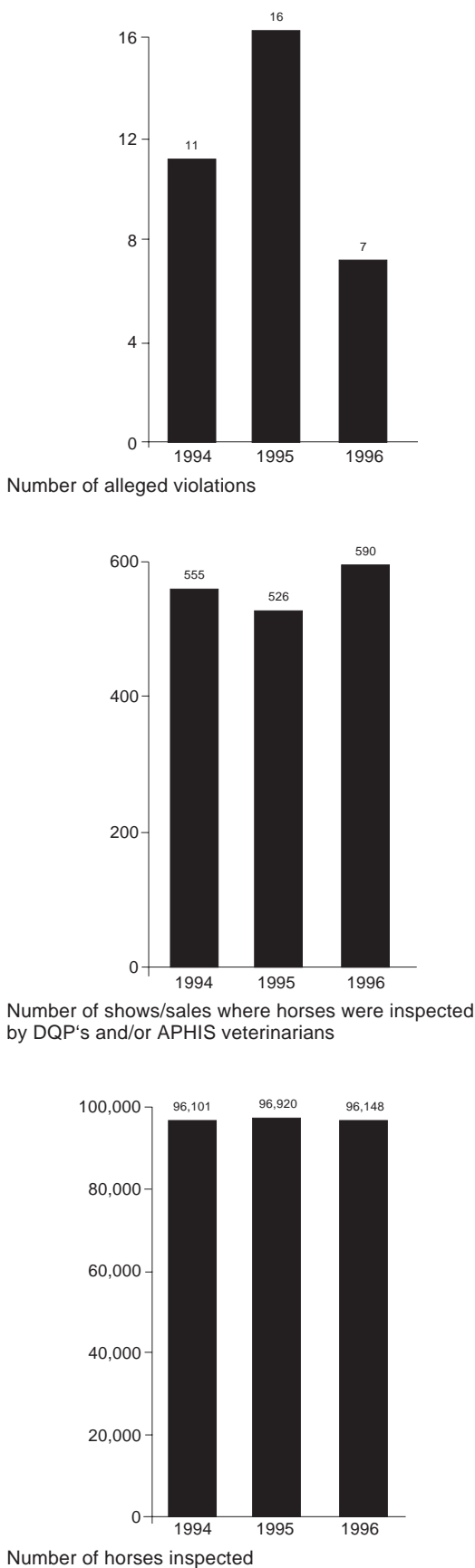


Figure 2 illustrates the turndown rates at shows and sales by certified HIO's when APHIS inspectors are present and when they are not in attendance. The chart documents a higher turndown rate when APHIS is present at shows or sales.

Figure 3 relates the percentage of horse shows and sales affiliated with the certified HIO's that APHIS attended in FY 1996.

Figure 2

*HIO Performance*

**Turndown Rate (TDR) by HIO's in 1996, by Percentage**

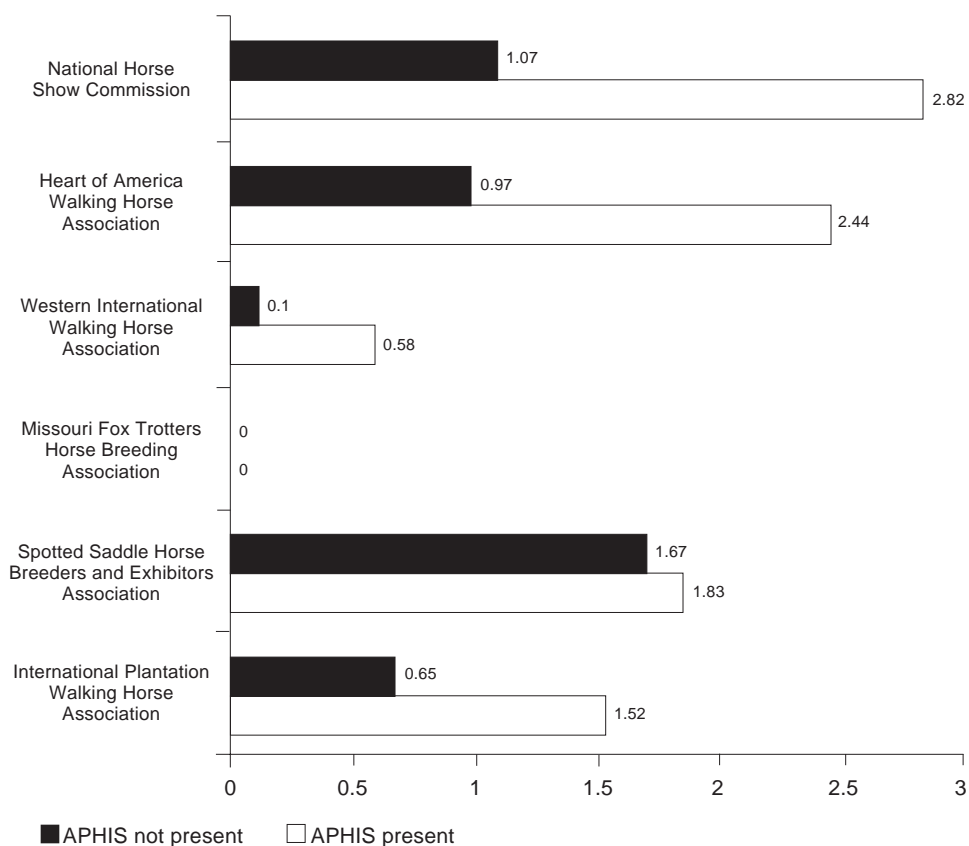
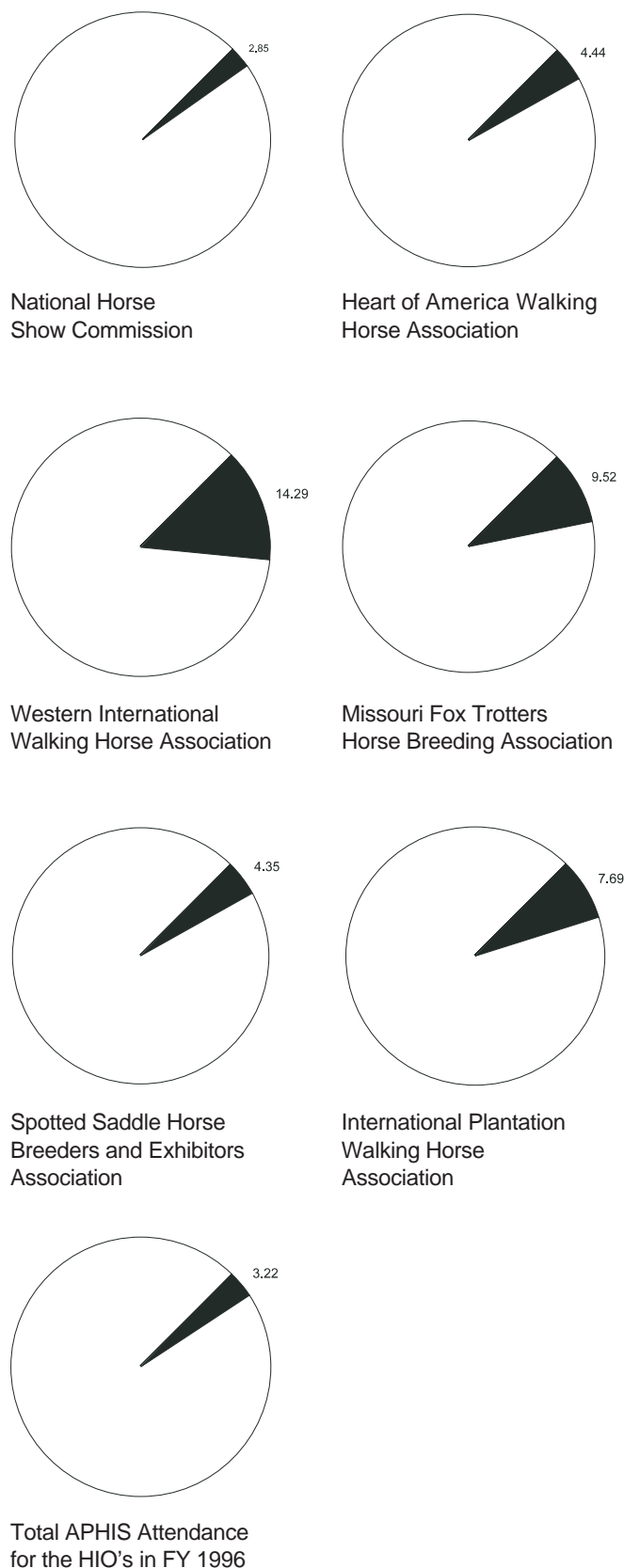


Figure 3

### Percentage of Shows and Sales Attended by APHIS, by HIO, FY 1996



### FY 1996 Legal Proceedings

During FY 1996, APHIS initiated seven investigations of alleged violations of the HPA and associated regulations. Soring accounted for four of the alleged violations. APHIS' Regulatory Enforcement headquarters staff received three of the initiated investigations for further review and potential legal action. USDA's Office of the General Counsel received six cases for prosecution. This number includes violations for FY 1996 and three cases from previous enforcement years. In addition to initiated investigations, APHIS issued two administrative complaints. Administrative law judges issued a total of 14 decisions resulting in 10 disqualifications and civil penalties totaling \$16,000. Because most cases involve several respondents, more than one consent decision is often issued. APHIS issued no official warnings for technical violations of the HPA. On average, resolution of cases takes about 18 months. Legal proceedings are reported in figures 4 and 5.

### Legislative Recommendations

USDA does not anticipate the need for additional legislation at this time.

Figure 4  
*Horse Protection Enforcement*  
**Apparent Violations of the HPA, FY 1994–96**

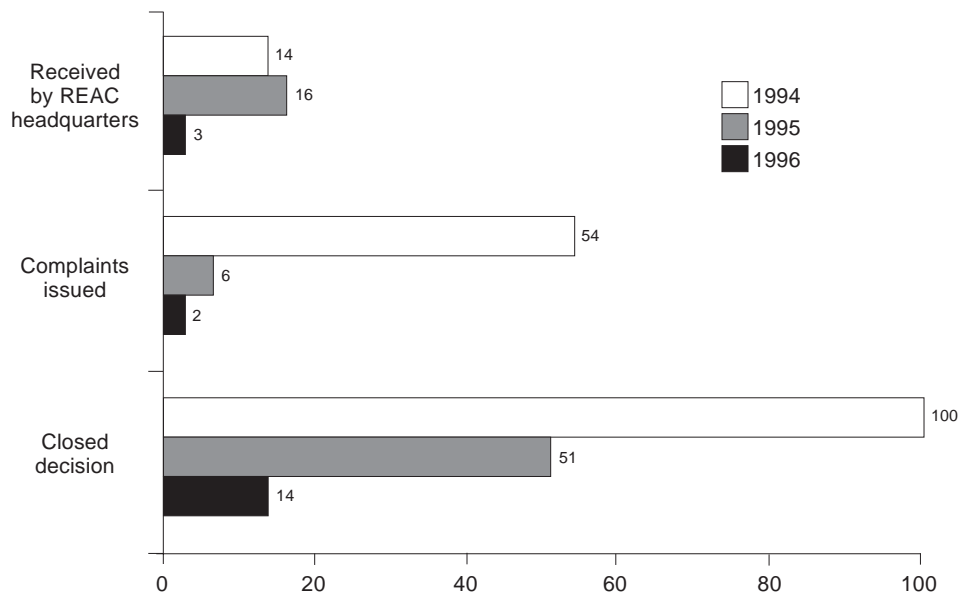
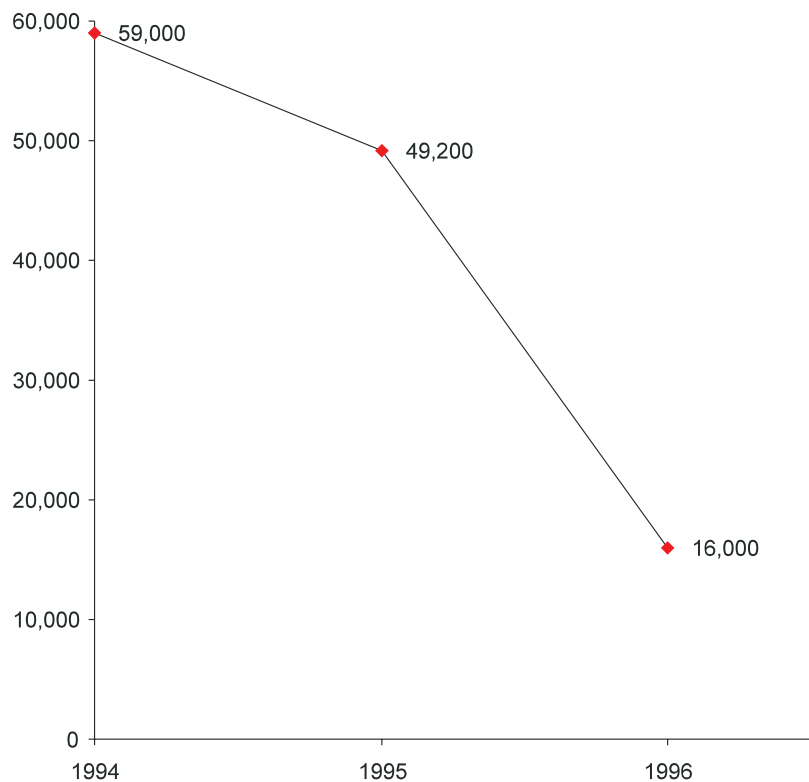


Figure 5  
*Horse Protection Enforcement*  
**Dollar Value of Assessed Penalties Under the HPA, FY 1994–96**

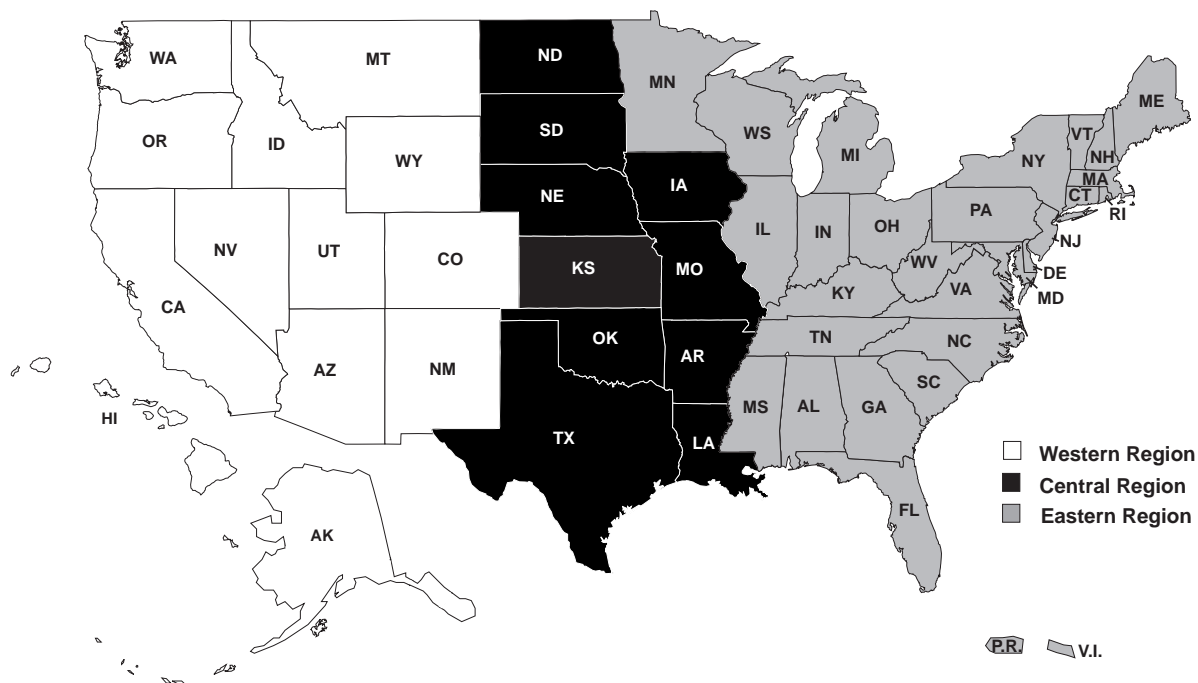




**Table 1—Horse shows, sales, auctions, and exhibitions monitored in fiscal year 1996**

Horse industry organization (HIO)	Shows	Horses examined	Turn- downs	Turndown rate (%)	Shows	Horses examined	Turn- downs	Turndown rate (%)
	<i>APHIS present</i>				<i>APHIS not present</i>			
National Horse Show Commission	12	11,317	319	2.82	409	68,048	731	1.07
Heart of America Walking Horse Assn.	2	492	12	2.44	43	7,161	62	0.97
Western International Walking Horse Assn.	1	296	5	0.58	6	734	12	.10
Missouri Fox Trotters Horse Breeding Assn.	2	644	0	0	19	1,137	0	0
Spotted Saddle Horse Breeders and Exhibitors Assn.	1	164	3	1.83	22	4,860	81	1.67
International Plantation Walking Horse Assn.	1	308	2	.65	12	987	15	1.52
Unaffiliated shows	3	354	5	1.41	NA	NA	NA	NA
<b>Totals</b>	22	13,575	346	2.55	571	82,927	901	1.09
<b>Totals for HIO-affiliated shows</b>	590	96,148	1,242	1.29				

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